



*Report to the
Auburn City Council*

Agenda Item No.

13

City Manager's Approval

15/12

To: Mayor and City Council Members
From: Robert Richardson, City Manager
Date: June 14, 2010
Subject: Public Hearing to consider Levying of Assessments for Fiscal Year 2010-11 in connection with the Old Town Business Improvement District and the Downtown Auburn Business Improvement District

The Issue

Shall the Council hold a Public Hearing before adopting a Resolution to levy assessments for Fiscal Year 2010-11 in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District?

Conclusion and Recommendation

Staff recommends that the City Council following a Public Hearing to receive public testimony, adopt by **RESOLUTION** the 2010-11 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

Background

State Law enables the establishment of Parking and Business Improvement Areas. Business improvement districts (BID) were established for the Old Town and Downtown Areas, with the City Business Licensing process utilized as the collection for those assessment fees.

On May 24, 2010 the City Council declared its intention to levy and collect assessments within the Old Town BID and the Downtown BID for Fiscal Year 2010-11. At this meeting the City Council approved the Annual Reports from both the Old Town and Downtown BID's and adopted a Resolution of its intent to levy and collect annual assessment fees within both districts.

The City Council will hold the public hearing to hear any comments from interested persons affected by the assessment fees.

Alternatives Available to Council; Implications of Alternatives

After holding the Public Hearing to receive comments regarding the Assessment fees the City Council has the following options for the adoption of the Assessment Fee Schedule for both Old Town and Downtown Auburn Business Improvement District, thereby the City Council hereby:

1. Adopt the 2010-11 Levying of Assessments in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District, or
2. Do not adopt the 2010-11 Levying of Assessment in connection with the Old Town Auburn Business Improvement District and the Downtown Auburn Business Improvement District.

Fiscal Impact

There is no fiscal impact on the City other than the cost of public notices and of processing the collection of assessment which is billed with the business license tax at the end of June.

1 RESOLUTION NO. 10

2 RESOLUTION OF THE CITY COUNCIL OF THE CITY OF AUBURN, CA
3 LEVYING ANNUAL ASSESSMENTS IN CONNECTION WITH THE OLD TOWN
4 AUBURN BUSINESS IMPROVEMENT DISTRICT AND THE DOWNTOWN
5 BUSINESS IMPROVEMENT DISTRICTS FOR FISCAL YEAR 2010-11.

6 -----
7 THE CITY COUNCIL OF THE CITY OF AUBURN DOES RESOLVE:

8 **WHEREAS**, in 2002 the City Council established the Old Town Auburn Business
9 Improvement District (the "Old Town BID") and the Downtown Business
10 Improvement District (the "Downtown BID") as parking and business
11 improvements areas pursuant to the Parking & Business Improvement Area
12 Law of 1989 (Streets & Highways Code Sec 36500 et. Seq.) (the "1989 Law");
13 and

14 **WHEREAS**, by prior resolution dated May 24, 2010, the City Council declared
15 its intention to levy and collect assessments within the Old Town BID and the
16 Downtown BID for Fiscal Year 2010-11; and

17 **WHEREAS**, on June 14, 2010, the City Council held a properly noticed public
18 hearing pursuant to Section 36534 (b) of the 1989 Law, at which all
19 interested persons had an opportunity to present oral and written testimony on
20 the proposed Fiscal Year 2010-11 levy.

21 **NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE**
22 **CITY OF AUBURN, CALIFORNIA DOES RESOLVE AS FOLLOWS:**

23 Section 1. The City Council has considered and hereby overrules any protests
24 made at the June 14, 2010 public hearing.

25 Section 2. The City Council hereby finally confirms the reports entitled "Annual
26 Report for the Old Town Auburn Business Improvement District, Fiscal Year
27 2010-11" and "Annual Report for the Downtown Business Improvement
28 District, Fiscal Year 2010-11" (the "Reports"), each as originally filed in the

1 Office of the City Clerk and without change. The reports, which are on file in
2 the Office of the City Clerk and available for public inspection, are hereby
3 incorporated herein by reference.

4 Section 3. Pursuant to Section 36535 (c) of the 1989 Law, the adoption of this
5 Resolution constitutes the levy of the assessments for Fiscal Year 2010-11 in
6 connection with the Old Town BID and Downtown BID.

7 PASSED, APPROVED AND ADOPTED,

8 DATED: June 14, 2010

9
10 Bridget Powers, Mayor

11 ATTEST:

12 Joseph G. R. Labrie, City Clerk

13 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify
14 that the foregoing resolution was duly passed at a regular meeting of the City
15 Council of the City of Auburn held on the 14th day of June 2010 by the
16 following vote on roll call:

17 Ayes:

18 Noes:

19 Absent:

20 Joseph G. R. Labrie, City Clerk